



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

TWO POTOMAC YARDS  
2733 SOUTH CRYSTAL DRIVE, 4710N  
ARLINGTON, VA 22202

**DATE:** April 16, 2010

**PREPARED BY:** (b) (6), (b) (7)(C)

**COMPLAINT #:** COMP-2010-96

**CROSS REFERENCE #:** OC-HQ-2010-0261

**TITLE:** (b) (6), (b) (7)(C)

**COMPLAINT SUMMARY REPORT**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	National Fuel and Emissions Laboratory (NVFEL) 200 Traverwood Drive Ann Arbor, MI 48105	

**COMPLAINT:** On September 29, 2009, SA (b) (6), (b) (7)(C) conducted a telephonic interview with (b) (6), (b) (7)(C), EPA (b) (6), (b) (7)(C)

The purpose for the interview was to obtain information to support a complaint (b) (6), (b) (7)(C) concerning EPA employees who allegedly used EPA equipment for personal business gain.

(b) (6), (b) (7)(C) essentially provided the following information: (b) (6), (b) (7)(C) received information from (b) (6), (b) (7)(C)

According to (b) (6), (b) (7)(C) at the Ann Arbor location (b) (6), (b) (7)(C) during EPA work hours. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**BACKGROUND:** The subjects of this investigation were (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are (b) (6), (b) (7)(C) . (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) the aforementioned EPA employees were allegedly utilizing (b) (6), (b) (7)(C)

**INVESTIGATIVE FINDINGS:** This complaint evaluation supported an investigation of the NVFEL Ann Arbor facility and one or more of its employees.

**RECOMMENDATION:** Based on investigative findings during this evaluation, this complaint had merit and this matter was converted to a case. However, this complaint was opened under (b) (6), (b) (7)(C) and the case was opened under (b) (6), (b) (7)(C) (et al.), the same naming convention used to open a parallel complaint involving the same EPA Ann Arbor laboratory. Consequently, this complaint is closed without further investigative effort. The circumstances found in this complaint have been and will continue to be resolved under the above cross referenced case file number OC-HQ-2010-0261. This complaint is closed.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY



OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF COUNSEL  
OVERSIGHT & SPECIAL REVIEW

REPORT OF INVESTIGATION CONCERNING

[REDACTED]  
OC-HQ-2010-ADM-0261

TABLE OF CONTENTS

Narrative	Section A
Entities and Individuals	Section B
Background	Not Used
Prosecutive Status	Section C
Witnesses and Evidence	Not Used
Exhibits	

Distribution:

Approvals:

[REDACTED]

Special Agent, Office of Counsel,  
Oversight & Special Review

[REDACTED]

Inspector General, Office of Counsel,  
Oversight & Special Review

OFFICE OF INSPECTOR GENERAL  
OFFICE OF COUNSEL  
OVERSIGHT & SPECIAL REVIEW

OSR FILE NO:  
OC-HQ-2010-ADM-0261

DATE: AUG 2<sup>nd</sup> 2010

REPORT OF: [REDACTED]

OFFICE: Office of Counsel,  
Oversight & Special Review

SECTION A – NARRATIVE

Predication

This case was opened on January 26, 2010, when U.S. Environmental Protection Agency (EPA) employee (b) (6), (b) (7)(C) [REDACTED] Office of Counsel, Office of Inspector General (OIG) with allegations about the misuse of government property and time at the EPA National Vehicle Fuel and Emissions Laboratory (NVFEL) in Ann Arbor, Michigan.

The potential violations related to these allegations are:

5 C.F.R., PART 2635 – STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES  
OF THE EXECUTIVE BRANCH

Subpart G – Misuse of Position

Sec. 2635.702(d) – Use of public office for private gain.

An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.

(d) Performance of official duties affecting a private interest. To ensure that the performance of his official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative or person with whom he is affiliated in a nongovernmental capacity shall comply with any applicable requirements of Sec. 2635.502.

Sec. 2635.704(a and b) Use of Government property.

(a) Standard. An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

(b) Definitions. For purposes of this section:

(1) Government property includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles.

(2) Authorized purposes are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation.

Sec. 2635.705(a) Use of official time.

(a) Use of an employee's own time. Unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of his time in the performance of official duties.

EPA ADMINISTRATIVE POLICIES, PROCEDURES and GUIDANCE, EPA MANUAL 6500, *Functions and Activities of the Office of Inspector General* (1994) – Chapter 3, “Reporting Violations and Other Prohibited Activities to the OIG” – §2, “Responsibilities of Agency Management, Employees and Assistance Recipients.” To fulfill its responsibilities, the OIG needs the cooperation, full disclosure, and reporting of information concerning instances of fraud, waste, or mismanagement. All officials and employees of the Agency are responsible for complying with laws and regulations and for maintaining high standards of ethical conduct in the administration of programs and operations of the Agency. Each employee is responsible for promptly reporting indications of wrongdoing or irregularity to the OIG and for cooperating and providing assistance during any audit or investigation. Paragraph 3(b), “Cooperation During Audits and Investigations.” The OIG can accomplish the objectives of the Inspector General only with the cooperation of all EPA employees. The Inspector General Act authorizes the Inspector General to have access to all records reports, audits, reviews, document, papers, recommendations, or other material available to the Agency. To this end, EPA managers and supervisors must ensure that all EPA employees cooperate with the OIG during audits and investigations. Employees should be instructed to disclose and provide information pertaining to the matters under review and make available applicable files, record, reports, agreements, contracts, correspondence, or other required information.

EPA ORDER 2100.3(A1) – POLICY ON LIMITED PERSONAL USE OF GOVERNMENT OFFICE EQUIPMENT. EPA's intent in authorizing limited personal use of Government office equipment is to provide employees with a professional and supportive work environment while meeting taxpayer expectations that tax dollars will be spent wisely. By authorizing this policy, EPA assumes that employees are responsible individuals, capable of balancing this privilege with the expectations of American taxpayers. EPA also recognizes the importance of implementing this policy in a consistent and equitable manner based on available resources.

This policy covers all EPA employees.

This policy permitting limited personal use of Government office equipment during nonwork time replaces EPA's interim *de minimis* (limited) personal use policy, the clarification memorandum related to the interim policy, the Frequently Asked Questions (FAQs) document covering the *de minimis* personal use policy, and any previous memoranda and policies regarding personal use of Government office equipment, including the April 29, 1994, memorandum from Alvin M. Pesachowitz pertaining to Appropriate Use of the Internet.

Employees may use Government office equipment only for authorized purposes. Limited personal use is authorized during nonwork time if it involves minimal additional expense to the Government, if it does not reduce productivity or interfere with official duties or the official duties of others, if the employee is already authorized to use the equipment for official Government business, and if it is legal and appropriate.

Employees may not use Government office equipment for commercial purposes or in support of other for profit activities such as outside employment or business.

#### Summary

On [REDACTED] 2010, the OIG took receipt of a single electronic thumb drive data storage device from EPA OIG Special Agent [REDACTED]. The drive [REDACTED].

Upon review, it was determined the drive contained [REDACTED]. It also included photographs of NVFEL employees. (Exhibit 1)

On [REDACTED], 2010, the OIG [REDACTED] (b) (6), (b) (7)(C) had [REDACTED] the [REDACTED] among other things. It was [REDACTED] (b) (6), (b) (7)(C) concerning misuse of government property by NVFEL employees. In addition, (b) (6), (b) (7)(C) alleged an EPA employee at NVFEL had [REDACTED] using government materials and equipment and may have done so for personal gain. Finally, [REDACTED] alleged that [REDACTED] had allowed for an environment where these types of prohibited activities could thrive.

On January 26, 2010, the OIG interviewed (b) (6), (b) (7)(C) stated that EPA employees were using EPA-owned software to . Further, these same employees were then using an EPA-owned located in the NVFEL . (b) (6), (b) (7)(C) identified the EPA employees as . In addition, (b) (6), (b) (7)(C) stated that EPA employees , NVFEL, provided the employees with both during and after scheduled work hours.

(b) (6), (b) (7)(C) stated that . (b) (6), (b) (7)(C) stated that . (b) (6), (b) (7)(C) said (b) believed for on government time while working at NVFEL. (b) (6), (b) (7)(C) stated that these purchased by EPA and stored in NVFEL, and that then through and .

On 2010, the OIG (b) (7)(E), (b) (6), (b) (7)(C) from . This (b) (7)(E), (b) (6), (b) (7)(C) to determine whether was using NVFEL to . The OIG p (b) (7)(E) by . Furthermore, appeared to have been identical to that was stored on the thumb drive seized by the OIG from NVFEL. (Exhibit 2)

The OIG determined that four of (b) (6), (b) (7)(C) allegations of misuse of government property and time were founded. These allegations were substantiated by statements and admissions collected by the investigator from NVFEL employees. The investigator determined that had during their scheduled NVFEL duty hours.

The OIG determined (b) (6), (b) (7)(C) allegation of conversion was unfounded for the following reasons. During the interview with the OIG, . In addition to provided an e-mail from EPA employee , NVFEL. That e-mail, dated , to with . This however, did not provide for private enterprise. Further, did not to conduct at government expense. (Exhibit 3)

The OIG determined [REDACTED] NVFEL employees with [REDACTED] so that particular employees could [REDACTED] admitted to the OIG [REDACTED] certain NVFEL employees to [REDACTED].

The OIG determined that [REDACTED] [REDACTED] unauthorized access to the NVFEL [REDACTED]. The OIG determined that while [REDACTED] did ultimately have [REDACTED] [REDACTED] did so only after [REDACTED] NVFEL [REDACTED] same.

### Details

On January 26, 2010, [REDACTED] alleged that:

1. [REDACTED] misused government property and time. (b) (6), (b) (7)(C) stated that [REDACTED] used an NVFEL [REDACTED]. Another allegation involved [REDACTED] using the same [REDACTED].
2. [REDACTED] misused government property and time. (b) (6), (b) (7)(C) stated that [REDACTED] used [REDACTED] and the NVFEL [REDACTED] to [REDACTED].
3. [REDACTED] misused government property and time. (b) (6), (b) (7)(C) stated that [REDACTED], while claiming to be working on government business, worked in the NVFEL [REDACTED].
4. [REDACTED] certain NVFEL employees [REDACTED] intentionally [REDACTED] employees the opportunity to [REDACTED].
5. [REDACTED] misused government property and time. (b) (6), (b) (7)(C) stated that [REDACTED] government property [REDACTED] and that while working at NVFEL, [REDACTED].
6. [REDACTED] inappropriately [REDACTED] NVFEL employees [REDACTED] employees. (b) (6), (b) (7)(C) alleged that [REDACTED] did this [REDACTED].

### First Allegation

(b) (6), (b) (7)(C) alleged that [REDACTED] misused government property. (b) (6), (b) (7)(C) stated [REDACTED] for a

. (b) (6), (b) (7)(C) stated that (b) believed the because NVFEL projects.

On 2010, the OIG interviewed . Prior to the interview, was told that a subject in a pending criminal investigation. The OIG presented with a Kalkines warning and assurance, which read and signed.

The investigator asked was familiar with stated it was widely understood at NVFEL; The investigator asked had ever worked on at work. stated (b) claimed the entire project occurred during (b) was authorized to work on .

The investigator asked had ever used NVFEL's . stated, "No." The investigator asked had ever worked with stated, " then advised the investigator the ."

The investigator asked was aware of any other instances in which NVFEL employees worked on at the EPA facility. witnessed stated had communicated that stated told witnessed

The investigator asked whether stated that after misuse of government equipment. said about the was only stated that responded by understood the conducted outside NVFEL. informed that was conversation had with repeated the entire would , who indicated

In summary, while an EPA admitted tha on the EPA's This allegation was substantiated. may have violated EPA Order 2100.3(A1)

when [redacted] seemingly misused government resources.” However, use of the government equipment by [redacted] appears to have been minimal.

Second Allegation

(b) (6), (b) (7)(C) alleged that [redacted] misused government property and time.  
(b) (6), (b) (7)(C) alleged that [redacted].

On [redacted], 2010, the OIG interviewed [redacted] was informed prior to the interview that [redacted] a subject in a pending criminal investigation. The OIG presented [redacted] with a Kalkines warning and assurance, which [redacted] read and signed.

The investigator asked [redacted] whether [redacted] at NVFEL. [redacted] admitted using [redacted] stated [redacted] had been encouraged to [redacted] by the company [redacted]. (Exhibit 4)

The investigator asked [redacted] whether any other NVFEL employees used [redacted] that [redacted] knew [redacted] that [redacted]

[redacted] witnessed [redacted]

In summary, [redacted] admitted using [redacted] This allegation was substantiated [redacted] may have violated EPA Order 2100.3(A1) [redacted] seemingly misused government resources.” However the use of government equipment appears to have been minimal.

Third Allegation

(b) (6), (b) (7)(C) alleged that [redacted] misused government property and time when [redacted]

(b) (6), (b) (7)(C) stated that [redacted]

On [redacted] 2010, the OIG interviewed [redacted] was informed prior to the interview that [redacted] a subject in a pending criminal investigation. The OIG presented [redacted] with a Kalkines warning and assurance, which [redacted] read and signed.

The investigator asked [redacted] had ever worked on or [redacted]

[redacted] stated, "That is [redacted]."

The investigator asked [redacted] was familiar with the [redacted] [redacted] stated that [redacted]. The investigator asked [redacted] whether this meant [redacted]. [redacted] stated, "Yes." The investigator asked [redacted] to offer examples of any recent [redacted] [redacted] "I don't remember, it has been a long time."

During the OIG interview with [redacted] stated that [redacted] had requested that [redacted] perform [redacted] [redacted] stated that [redacted] made this request because [redacted] [redacted] stated [redacted] complied with [redacted] even though [redacted] believed the [redacted].

In addition to [redacted], the investigator questioned [redacted] [redacted] regarding the allegation that [redacted] [redacted] employees denied having any knowledge related to [redacted] [redacted]

The OIG determined that while [redacted] and an additional NVFEL employee, [redacted] claimed to have [redacted] [redacted] this allegation could not be substantiated.

Fourth Allegation

(b) (6), (b) (7)(C) alleged that [redacted] NVFEL employees [redacted]

[redacted] The investigator asked [redacted] about an incident in which NVFEL employees [redacted] [redacted] said [redacted] was familiar with the incident. [redacted]

When [redacted] asked to explain the event and identify the employee, [redacted]

[REDACTED]

[REDACTED] was asked to explain [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The investigator asked [REDACTED] to name other employees who were [REDACTED]  
[REDACTED]. [REDACTED] stated, [REDACTED].” The investigator asked  
[REDACTED] whether [REDACTED] was aware that [REDACTED]  
stated [REDACTED] by the name of  
[REDACTED]

At that point in the interview, [REDACTED] looked at the investigator  
and said, [REDACTED]. The investigator asked  
[REDACTED]  
[REDACTED]  
[REDACTED]

The investigator asked [REDACTED] to name other NVFEL employees who [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

When asked to provide specific examples of employees [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The investigator determined that [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The investigator had pointed out to [REDACTED] had been given the opportunity to  
talk about NVFEL employees and [REDACTED]. When

asked again to provide any additional information [redacted] might have regarding [redacted] at NVFEL, [redacted].

In summary, in addition to [redacted] during the investigation, the OIG determined that [redacted]. On one of those occasions, [redacted] engaged in this prohibited activity while [redacted] NVFEL employees from their work during normal business hours. This activity occurred while [redacted] in the [redacted]. The OIG investigation substantiated this allegation.

Fifth Allegation

(b) (6), (b) (7)(C) alleged [redacted] misused government property and time [redacted] (b) (6), (b) (7)(C) stated that [redacted].

On [redacted] 2010, the OIG interviewed [redacted] was informed prior to the interview that [redacted] is the subject of a pending criminal investigation. The OIG presented [redacted] with a Kalkines warning and assurance, which [redacted] read and signed.

The investigator asked [redacted]

The investigator asked [redacted] to explain [redacted] had to [redacted]

The OIG interviewed [redacted] on [redacted], 2010. [redacted] stated [redacted] did not attend the meeting between [redacted] did not [redacted].

The OIG interviewed [REDACTED] 2010. The investigator asked [REDACTED] whether [REDACTED]

[REDACTED] The investigator asked [REDACTED] to provide any documentation related to any [REDACTED]

The investigator reviewed [REDACTED], e-mail authorizing [REDACTED]. This review confirmed that [REDACTED]

The investigator asked [REDACTED] to describe th [REDACTED]

The investigator [REDACTED]

[REDACTED] stated [REDACTED] knew the OIG investigation pertained to [REDACTED]. [REDACTED] believed these allegations [REDACTED]

(Exhibit 5)

A forensic analysis of [REDACTED] work computer and the [REDACTED] was done by [REDACTED]. Contrary t [REDACTED]

In addition to th [REDACTED]

[REDACTED] discovered these same [REDACTED]

(Exhibit 6)

The OIG conducted [redacted] interviews with NVFEL employees from [redacted] | [redacted]  
[redacted], 2010. All [redacted] employees interviewed stated they were [redacted]  
[redacted]  
[redacted] This information was contrary to  
the [redacted]  
[redacted]  
[redacted]

During [redacted] interview with the OIG, [redacted] stated, [redacted]  
[redacted] about the OIG interview.  
[redacted] stated, [redacted]  
[redacted]  
[redacted]

During [redacted] interview with the OIG, [redacted]  
[redacted]  
[redacted]  
[redacted]

During [redacted] interview with the OIG, [redacted]  
[redacted]  
[redacted]

In addition to being [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

During [redacted] interview with the OIG, [redacted] [redacted], an NVFEL employee [redacted]  
[redacted]  
[redacted]

[redacted] During [redacted] interview with the OIG, [redacted], an NVFEL employee [redacted]  
[redacted]  
[redacted]

The OIG determined [redacted] had misused government property when [redacted]  
[redacted]

[REDACTED] This allegation was substantiated.

The OIG was unable to substantiate whether [REDACTED] had ever [REDACTED]. The possible violation [REDACTED] was discussed with the U.S. Attorney's Office for the Eastern District of Michigan. This allegation was not substantiated, [REDACTED]

[REDACTED] provided the OIG with a [REDACTED] and [REDACTED] and an [REDACTED]. Although the OIG determined that [REDACTED], the documentation provided by [REDACTED] did not clearly evidence [REDACTED]

Sixth Allegation

(b) (6), (b) (7)(C) [REDACTED] alleged [REDACTED] NVFEL employees with [REDACTED] (b) (6), (b) (7)(C) [REDACTED] stated [REDACTED] (b) (6), (b) (7)(C) [REDACTED] stated [REDACTED]

On [REDACTED] 2010, the OIG interviewed [REDACTED] stated that [REDACTED] [REDACTED]

[REDACTED] stated [REDACTED] was not involved in the [REDACTED] regarding [REDACTED]

[REDACTED] several new procedures had been put in place subsequent to the OIG's initial investigation at NVFEL in [REDACTED] 2010. [REDACTED]

all employee key cards used for after-hours access to [redacted] were deactivated. The only exceptions were keys held by members of [redacted] and certain authorized employees. [redacted] NVFEL employee [redacted] specified policy. [redacted]

In summary, the OIG determined that [redacted]. This allegation was not substantiated.

Additional Allegations

In addition to the allegations referenced above, the OIG determined that [redacted] addition, the OIG determined that [redacted]

[redacted]

The OIG determined that [redacted]. In addition to the aforementioned action, [redacted]. [redacted] reported this observation to [redacted], who [redacted] this information to [redacted] stated in [redacted] interview with the OIG that [redacted] assured [redacted] would [redacted] regarding [redacted] stated to the OIG investigator that [redacted] did not [redacted] about [redacted].

During [redacted] interview with the OIG, [redacted] indicated that [redacted] did not like to [redacted]. [redacted] stated, "[redacted]." The investigator asked [redacted] (Exhibit 14)

During [redacted] interview with the OIG, [redacted] was asked whether [redacted] was aware of any information regarding [redacted]. [redacted] stated that [redacted] did not have any information regarding [redacted].

[REDACTED]

[REDACTED] stated that [REDACTED] approached [REDACTED] 2010, aft  
several NVFEL computers had been seized. [REDACTED] stated that [REDACTED] informed  
[REDACTED] . [REDACTED] stated that [REDACTED] did not tell [REDACTED]  
[REDACTED] . [REDACTED] said that [REDACTED] indicated [REDACTED]  
[REDACTED] stated that [REDACTED] admitted to [REDACTED]  
[REDACTED] stated that [REDACTED] said [REDACTED]  
[REDACTED] would not know whether [REDACTED]

The investigator asked [REDACTED] to clarify whether [REDACTED] was aware that [REDACTED]  
[REDACTED] stated tha [REDACTED]  
(Exhibit 15)

The OIG interviewed [REDACTED], an NVFEL employee [REDACTED]  
[REDACTED] stated that [REDACTED]  
[REDACTED] was likely not aware of [REDACTED]  
[REDACTED] Exhibit 16)

[REDACTED]

The OIG also determined that [REDACTED] failed to properly [REDACTED]  
[REDACTED] . [REDACTED] NVFEL employees ample  
opportunities to [REDACTED] .

[REDACTED] admitted to knowingly providing [REDACTED]  
[REDACTED] afforded [REDACTED] this  
opportunity even aft admitting that [REDACTED] .” The OIG asked  
[REDACTED] about an incident in which [REDACTED]  
[REDACTED]  
[REDACTED]

The OIG asked [REDACTED]  
[REDACTED]

[REDACTED]

(Exhibit 17)

The OIG interviewed [REDACTED] [REDACTED] stated in [REDACTED] interview that [REDACTED]

[REDACTED]

(Exhibit 18)

The investigator asked [REDACTED] whether [REDACTED] felt that the OIG had treated [REDACTED] fairly.

[REDACTED] stated, "(b) (6), (b) (7)(C) [REDACTED]."

(Exhibit 19)

The OIG also determined [REDACTED] [REDACTED] employees interviewed by the OIG stated that they felt the [REDACTED] [REDACTED]s [REDACTED]. These employees stated that if [REDACTED] to [REDACTED] for those employees.

The OIG interviewed [REDACTED]. [REDACTED] stated that [REDACTED] had [REDACTED]. The investigator asked [REDACTED] to explain the comment. [REDACTED] stated, "[REDACTED]"

[REDACTED]

[REDACTED]

(Exhibit 20)

During [REDACTED] interview with the OIG, [REDACTED]

The OIG interviewed [REDACTED] an NVFEL employee, who stated that [REDACTED] [REDACTED] told the OIG about a situation in which [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] stated that [REDACTED] later listened to a voice message that [REDACTED] after the incident. [REDACTED] stated that the substance of the call pertained to [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] (Exhibit 21)

[REDACTED] stated to the OIG that [REDACTED]  
[REDACTED]  
[REDACTED]

In summary, the OIG determined that [REDACTED]  
[REDACTED] Furthermore, the OIG determined that [REDACTED]  
[REDACTED] inside the NVFEL [REDACTED] when [REDACTED]  
[REDACTED]

**SECTION B – ENTITIES AND INDIVIDUALS FOR WHOM ALLEGATIONS WERE SUBSTANTIATED**

**Name of Person:** [REDACTED]  
**Title & Company:** [REDACTED]  
**Role:** Subject  
**Business Address:** 2000 Traverwood Drive  
Ann Arbor, MI 48105  
**Business Phone:** [REDACTED]  
**EPA Employee:** Yes

**Name of Person:** [REDACTED]  
**Title & Company:** [REDACTED]  
**Role:** Subject  
**Business Address:** 2000 Traverwood Drive  
Ann Arbor, MI 48105  
**Business Phone:** [REDACTED]  
**EPA Employee:** Yes

Name of Person: [REDACTED]  
Title & Company: [REDACTED]  
Role: Subject  
Business Address: 2000 Traverwood Drive  
Ann Arbor, MI 48105  
Business Phone: [REDACTED]  
EPA Employee: Yes

Name of Person: [REDACTED]  
Title & Company: [REDACTED]  
Role: Subject  
Business Address: 2000 Traverwood Drive  
Ann Arbor, MI 48105  
Business Phone: [REDACTED]  
EPA Employee: Yes

Name of Person: [REDACTED]  
Title & Company: [REDACTED]  
Role: Subject  
Business Address: 2000 Traverwood Drive  
Ann Arbor, MI 48105  
Business Phone: [REDACTED]  
EPA Employee: Yes

#### SECTION C – PROSECUTIVE STATUS

**ARRESTS:** None.

On February 20, 2010, the OIG referred this matter to the U.S. Attorney's Office, Eastern District of Michigan, Detroit, Michigan. On March 5, 2010, subsequent to additional OIG investigative findings, the U.S. Attorney's Office declined prosecution (b) (5) [REDACTED]  
[REDACTED] (Exhibit 22)

LIST OF EXHIBITS

DESCRIPTION	EXHIBIT
Images of ██████████ from ██████ thumb drive.....	Exhibit 1
Receipt from OIG (b) (7)(E), (b) (7)(C), (b) (6) ██████████.....	Exhibit 2
Copy of e-mail dated from ██████████ dated ██████████ 2010.....	Exhibit 3
Interview of ██████████ 2010.....	Exhibit 4
Interview of ██████████ 2010.....	Exhibit 5
Forensic Analysis Report of ██████████.....	Exhibit 6
Two copies of invoices from ██████████ Company.....	Exhibit 7
Four copies of invoices from ██████████ Inc.....	Exhibit 8
Three copies of invoices from ██████████ Corporation.....	Exhibit 9
One invoice from ██████████ LTD.....	Exhibit 10
Two copies of sales orders from ██████████ Inc.....	Exhibit 11
State of Michigan Sales and Use Tax Certificate.....	Exhibit 12
Copy of IRS SS-4 Form, ██████████ Employee Identification Form.....	Exhibit 13
Interview of ██████████ 2010.....	Exhibit 14
Interview of ██████████, 2010.....	Exhibit 15
Interview of ██████████ 2010.....	Exhibit 16
Copies of ██████████ sheet.....	Exhibit 17
Interview of ██████████, 2010.....	Exhibit 18
Interview of ██████████ 2010.....	Exhibit 19
Interview of ██████████ 2010.....	Exhibit 20
Interview of ██████████ 2010.....	Exhibit 21
Declination of AUSA BLACKWELL on February 25, 2010.....	Exhibit 22



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: June 25, 2015

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2013-ADM-0085

CROSS REFERENCE

TITLE: EPA NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY – (b) (6), (b) (7)(C)  
(b) (6)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6)	ANN ARBOR, MI	

**VIOLATIONS:** Obstruction of Justice (18 U.S. Code Chapter 73).

**ALLEGATION:** (b) (6), (b) (7)(C)  
National Vehicle and Fuel Emissions Laboratory (NVFEL), Ann Arbor, MI disclosed (b) (6), (b) (7)(C) to the subject of a Criminal Investigation Division (CID) investigation identified as (b) (6), (b) (7)(C)

**FINDINGS:** On December 19, 2012, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI) received a referral from the EPA CID which alleged that (b) (6), (b) (7)(C) disclosed (b) (6), (b) (7)(C). The OIG Office of Professional Responsibility (OPR) investigated the matter and obtained the following facts: The e-mail sent by (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) did not have an effect on the CID investigation. This finding was corroborated by SA (b) (6), (b) (7)(C), CID, EPA when (b) (6), (b) (7)(C) stated to (b) (6), (b) (7)(C) OI, OIG, EPA, and SA (b) (6), (b) (7)(C) OI, OIG, EPA that the e-mail correspondence from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) did not have any effect on the criminal investigation (b) (6), (b) (7)(C) was conducting. Additionally, (b) (6), (b) (7)(C) was interviewed concerning this matter and stated that (b) (6), (b) (7)(C) that the matter was being investigated by CID. (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) did not hear anything else about the CID investigation. (b) (6), (b) (7)(C)

**DISPOSITION:** Unsupported, closed.

The evidence gathered during the course of this investigation did not support the allegation.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
77 W. JACKSON BOULEVARD  
CHICAGO, IL 60604

CASE #: OI-CH-2017-THT-0137

CROSS REFERENCE #: HOTLINE # 2017-0347

TITLE: (b) (6), (b) (7)(C) NVFEL

INTERVIEWEE (if applicable): N/A

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY  
FINAL SUMMARY REPORT

COMPLAINT: On August 3, 2017 Special Agent (SA) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Chicago Field Office received an email from SA (b) (6), (b) (7)(C) OI, OIG, EPA, DC, referencing OIG Hotline complaint 2017-0347, reporting that (b) (6), (b) (7)(C) NVFEL, discussed (b) (6), (b) (7)(C) while at an EPA facility. (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C).

BACKGROUND: The complaint stated that (b) (6), (b) (7)(C) during a meeting. After these statements it was determined that (b) (6), (b) (7)(C) Federal Protective Services (FPS) and the Ann Arbor Police Department (AAPD) arrived on scene at the EPA facility. After (b) (6), (b) (7)(C)

Background database queries showed that (b) (6), (b) (7)(C)

CASE:  
OH-CH-2017-THT-0137

INTERVIEWEE (if applicable):

DATE OF ACTIVITY:  
08/04/17

DRAFTED DATE:

AGENT(S):  
(b) (6), (b) (7)(C)

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Page 1 of 3

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(b) (6), (b) (7)(C) . Also, a detailed report was retrieved from the EPA about (b) (6), (b) (7)(C) previous disciplinary actions and suspensions.

**INVESTIGATIVE FINDINGS:** After conducting a meeting with the person who filed the complaint, (b) (6), (b) (7)(C) immediate supervisor, and employees from Office of General Counsel,

(b) (6), (b) (7)(C)

his appeared to be the extent of (b) (6) return to work requirements and doesn't appear there will be any additional administrative punishments given.

**RECOMMENDATION:** Due to (b) (5), (b) (7)(E)

this case will be closed. No further action will be taken unless new information related to the investigation is discovered.

**Attachment(s):**

None

**CASE:**  
OH-CH-2017-THt-0137

**INTERVIEWEE (if applicable):**

**DATE OF ACTIVITY:**  
08/04/17

**DRAFTED DATE:**

**AGENT(S):**  
(b) (6), (b) (7)(C)

**RESTRICTED INFORMATION**  
Page 2 of 3

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**CASE:**  
**OH-CH-2017-THt-0137**

**INTERVIEWEE** *(if applicable)*:

**DATE OF ACTIVITY:**  
08/04/17

**DRAFTED DATE:**

**AGENT(S):**  
**(b) (6), (b)**

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Page 3 of 3

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